IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.3450 of 2003

Mangalveda Taluka Sahakari -
Krishi Udyog Sangh Ltd. Petitioners
Vs.
The State of Maharashtra & ors. Respondents

Mr.S.S.Shah for petitioners.
Mr.C.R.Sonawane, AGP for resp.nos.1 to 3.

CORAM: B.H.MARLAPALLE & NARESH H.PATIL,JJ.

October 09, 2006.

P.C.

. The petitioner - Sangh came before us in this petition praying for setting aside the judgment and order dated 16/24th April 2003 passed by the Respondent No.3 i.e. the Additional Commissioner, Pune, Pune Division. When the petitioner had approached us in the earlier round by filing Writ Petition No.2336 of 1991, he was granted liberty to file an application under Section 48 of the Land Acquisitions Act, 1894 and the said application has been rejected by the impugned order.

. It is well settled that an application under Section 48 of the Land Acquisition Act can be entertained if the claimants or the owners of the land continue in possession. In the instant case Mr.

S.R. Pawar, Special Land Acquisition officer No.5, Solapur has filed affidavit-in-reply and has stated, inter alia, that the Land Acquisition officer passed his award on 23/9/1986 and possession of the subject land was taken on 24/2/1988 by Kabjepavati and panchanama and thereafter the mutation entry has been effected in favour of the Collector. It is further pointed out that the subject land has been distributed to the project affected persons i.e. respondent nos.5 to 11 and necessary entries have been taken in the village record i.e. Form No.7/12 in 1988/89 by Mutation Entry Nos. 5230, 4922, 2264 and 5219. On the face of this revenue record the respondent no.3 was right in rejecting the application submitted under Section 48 of the Land Acquisition Act, 1894.

. Hence the petition fails at the threshold and the same is hereby rejected summarily.

(NARESH H. PATIL,J.) (B.H.MARLAPALLE